

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 5, 2008

The City Council convened in Regular Session on Tuesday, February 5, 2008, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Bob Kneemiller, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Larry Muench, Jerry Reese, Ron Stivison, Richard Veit, and Michael Weller. Absent: None. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.

File #46723

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

PUBLIC HEARINGS

The President of the Council Bob Kneemiller announced that the following Public Hearings would now be held. At the conclusion of the hearings, the Regular Session continued with the order of business:

- A. Establishment of a Theater Cultural Arts, and Entertainment District Pursuant to the Provisions of RSMo 67.2500 to RSMo 67.2530 at The New Town at St. Charles II; and Establishment of a Proposed Sales Tax Rate (**Council Bill 9581**)
- B. Case No. Z-01-08. (Whitaker Builders, Inc.) An application to rezone seven (7) parcels of land in the process of annexing into the City. Parcels 1,2 and 3 are part of U.S. Surveys 222, 223 and 224 of the Saint Charles Common Fields; Parcels 4, 5, 6 and 7 are part of U.S. Surveys 208, 209, 210, 211 and 212 of the Saint Charles Common Fields. The Applicant is requesting to rezone Parcels 1 through 6 from the County I-2 District to the City PD-MU Planned Development-Mixed Use District and Parcel 7 from the County I-1 District to the City PD-MU Planned Development-Mixed Use District for inclusion in the existing New Town St. Charles development; all seven parcels of which comprise 11.51 acres. The subject properties are located in Ward 8 (**Council Bill 9575**)
- C. Case No. CU-01-08. (Bass Pro Shops) An application for a Conditional Use Permit for temporary retail sales from February 22, 2008 to March 17, 2008. The Applicant proposes to conduct retail sales in a 7,200 square-foot temporary tent located in the parking lot adjacent to the outdoor display area. The subject property is located at 1365 S. Fifth Street in Ward 2 (**RCA Attached**)
- D. Case No. CU-02-08. (Dorothy Thomas/Task Properties, LLC) An application for a conditional use permit for a temporary shelter. The applicant proposes to open a temporary shelter in an existing building within the I-1 Zoning District at 209 Fox Hill Rd. (Ward 1). (**Tabled at Planning & Zoning; therefore this Public Hearing should be tabled**)
- E. Case No. DR-01-08. An application to amend Chapter 156: Zoning Code of the Code of Ordinances of the City of St. Charles, Missouri, specifically Section 156.039 CRD Central Residential District by adding multiple-family residential as

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 5, 2008

- a permitted use in the CRD I district and by establishing a maximum density of 18 units per acre in the CRD I district.). ***(Tabled at Planning & Zoning; therefore this Public Hearing should be tabled until March 4, 2008)***
- F. Case No. DR-06-07. An application to amend Chapter 156: Zoning Code of the Code of Ordinances of the City of St. Charles, Missouri, specifically the Sign Regulations Sections 156.610 through 156.999 by adding a new Section 156.705 defining and establishing regulations for the placement and maintenance of street banner signs. ***(Tabled at Planning & Zoning; therefore this Public Hearing should be tabled until March 4, 2008)***
- G. Establishment of a Community Improvement District and Authorizing a Special Assessment Pursuant to Sections 67.1401 - 67.1571 of the Revised Statutes of Missouri to be known as The Veterans Memorial Parkway Community Improvement District (the "Petition"). ***(Council Bill 9568)***

RESOLUTIONS/AWARDS/PROCLAMATIONS

A Resolution Establishing a Solid Waste Disposal and Recycling Services Committee *(Sponsors: Michael Klinghammer, Laurie Feldman, and Jerry Reese)*

President of the Council Bob Kneemiller stated that Vice President of the Council Jerry Reese, and Councilmembers Michael Klinghammer and Laurie Feldman will serve on the Committee; and requested that Councilmembers forward names of residents interested on serving on this Committee. A motion was made by MICHAEL WELLER to appoint Councilmember Laurie Feldman as Chairperson of the Committee. ERV ERMELING seconded the motion. All voted in favor, motion passed. A roll call vote was taken on the Resolution, with the following results:

Passed "Aye": Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, and Kneemiller
"Nay": None
Absent: Klinghammer

Approved by the Honorable Mayor on February 6, 2008, and is known as **Resolution R08-4**

A Resolution Authorizing Submittal of Applications with the East West Gateway Coordinating Council for Grants Under the Missouri Surface Transportation Program for Sub-Allocated Funds, Enhancement Funds and the Congestion/Mitigation and Air Quality Program in the City of St. Charles, *(Sponsors: All Members of the City Council)*

Passed "Aye": Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Kneemiller, and Muench
"Nay": None
Absent: Klinghammer

Approved by the Honorable Mayor on February 6, 2008, and is known as **Resolution R08-5**

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 5, 2008

A Resolution Authorizing Submittal of Applications to St. Charles County Road Board for Various Improvement Projects in the City of St. Charles, Missouri
(Sponsors: All Members of the City Council)

Passed “Aye”: Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Kneemiller, Muench, and Reese
 “Nay”: None
 Absent: Klinghammer

Approved by the Honorable Mayor on February 6, 2008, and is known as **Resolution R08-6**

BILLS FOR FINAL PASSAGE

Bill 9547 (Substitute Bill No. 2)

An Ordinance Amending Section 112.04 and Section 112.05 of the Code of Ordinances of the City of St. Charles, Missouri Pertaining to the Appointment of Members to the Special Business District Advisory Board (Sponsors: Ron Stivison and Erv Ermeling)

Passed “Aye”: Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, and Stivison
 “Nay”: None
 Absent: None

Approved by the Honorable Mayor on February 6, 2008, and is known as **Ordinance 08-32**

Bill 9552

An Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, and Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by South Drive, LLC (1460 South Drive)
(Sponsor: Laurie Feldman)

Passed “Aye”: Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, and Stivison
 “Nay”: None
 Absent: None

Approved by the Honorable Mayor on February 5, 2008, and is known as **Ordinance 08-29**

Bill 9563 (Held)

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Nine, a Subdivision of the City of Saint Charles, Missouri (Sponsor: Michael Klinghammer)
Council Bill 9563 was held upon the request of the Developer.

Bill 9564

An Ordinance Rezoning to City Zoning District PD-C (Planned Development-Commercial District) From County Zoning District I-1 (Light Industrial District) and City Zoning District (C-3 Highway Business District) Property Located at 1460 South Drive and 1560 and 1600 Veterans Memorial Parkway; Approving the Preliminary

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 5, 2008

Development Plan of St. Charles Hospitality in Connection Therewith; and Authorizing a Cooperation Agreement (*Sponsor: Laurie Feldman*)

Passed "Aye": Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, and Stivison

"Nay": None

Absent: None

Approved by the Honorable Mayor on February 5, 2008, and is known as **Ordinance 08-31**

Bill 9565

An Ordinance Authorizing a Contract with Amcon Municipal Concrete L.L.C. for the Construction of the West Clay Street – Hawks Nest Drive/Duchesne Drive CMAQ Project in an Amount Not to Exceed \$111,911.00 (*Sponsor: Ron Stivison*)

Passed "Aye": Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, and Stivison

"Nay": None

Absent: None

Approved by the Honorable Mayor on February 6, 2008, and is known as **Ordinance 08-33**

Bill 9566

An Ordinance Authorizing Acceptance of Development Improvements of Sanitary Sewer Utilities and Their Appurtenances at 420 Blanche Drive and Release of Security (*Sponsor: Michael Klinghammer*)

Passed "Aye": Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, and Stivison

"Nay": None

Absent: None

Approved by the Honorable Mayor on February 5, 2008, and is known as **Ordinance 08-34**

Bill 9567

An Ordinance Authorizing a Termination of Water Service Agreement Between the City of St. Charles and Duckett Creek Sanitary Sewer District for Termination of Water Service for Delinquent Sewer Service Accounts (*Sponsor: Michael Klinghammer*)

Passed "Aye": Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, and Stivison

"Nay": None

Absent: None

Approved by the Honorable Mayor on February 6, 2008, and is known as **Ordinance 08-35**

Bill 9568

An Ordinance Approving a Petition Requesting the Formation of the Veterans Memorial Parkway Community Improvement District; Establishing the District as a Political Subdivision of the State of Missouri; and Directing the City Clerk to Notify the Missouri

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 5, 2008

Department of Economic Development of the Creation of the District (*Sponsor: Laurie Feldman*)

Passed “Aye”: Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, and Stivison

“Nay”: None

Absent: None

Approved by the Honorable Mayor on February 5, 2008, and is known as **Ordinance 08-30**

Bill 9569 (Held)

An Ordinance Amending Schedule II, Subsection (A) of Chapter 78 of the Code of Ordinances by Establishing Parking Restrictions Along a Portion of Olive Street
(*Sponsor: Richard Veit*)

Council Bill 9569 was held by Sponsor Richard Veit.

Bill 9570

An Ordinance Amending Section 40.25 of the Code of Ordinances Pertaining to Disqualification of Bidders (*Sponsor: All Members of the City Council*)

Passed “Aye”: Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, and Stivison

“Nay”: None

Absent: None

Approved by the Honorable Mayor on February 6, 2008, and is known as **Ordinance 08-36**

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 9571 (Amended Prior to Introduction)

An Ordinance Amending Ordinance Number 07-316 by Amending Certain Revenue, Expenditure, and Fund Balance Accounts for the Budget for the Fiscal Year 2008 (Budget Amendment #1) (*Sponsor: Bob Kneemiller*)

A motion was made by ERV ERMELING to amend Council Bill 9571 to add \$6,650.00 to the Arts & Culture Discretionary Fund Account. DAVE BECKERING seconded the motion. All voted in favor, motion passed.

Bill 9572

An Ordinance Authorizing a Contract with the State of Missouri, Division of Family Services for a Homeless Challenge Grant Program for North East Community Action Corporation (NECAC) for the Period of October 1, 2007 Through September 30, 2008
(*Sponsor: Bob Kneemiller*)

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 5, 2008

Bill 9573

An Ordinance Authorizing a Contract with Gerstner Electric, Inc. for the New Town Boulevard and Mueller Road Traffic Improvements Project in an Amount Not to Exceed \$165,999.00 (*Sponsor: Michael Klinghammer*)

Bill 9574 (*Amended Prior to Introduction*)

An Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, and Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by Whittaker Builders, Inc. and GGW Development Company, Inc., Seven (7) Parcels Located on the Periphery of The New Town at St. Charles Development (*Sponsor: Michael Klinghammer*)

A motion was made by MICHAEL KLINGHAMMER to amend Council Bill 9574 to include the authorization for the Mayor and City Clerk to execute Annexation Agreements relative to the annexation of the seven parcels located on the periphery of The New Town at St. Charles Development. BOB KNEEMILLER seconded the motion. All voted in favor, motion passed.

Bill 9575

An Ordinance Rezoning to City Zoning District PD-MU (Planned Development-Mixed Use District) From County Zoning District I-2 (Heavy Industrial District) and I-1 (Light Industrial District) Seven Parcels Comprising of 11.51 Acres of Land Located Adjacent to the New Town at St. Charles Development and Approving the Fourth Amendment to the Development Agreement (*Sponsor: Michael Klinghammer*)

Bill 9576

An Ordinance Authorizing Acceptance of Development Improvements of Water, Off-Site Sanitary Sewer (Gravity Lines) Storm Sewer Utilities, City Streets and Their Appurtenances at The New Town at St. Charles Plat #1 and Release of Security (*Sponsor: Michael Klinghammer*)

Bill 9577

An Ordinance Authorizing an Engineering Services Contract with PB Americas, Inc. for the Design of the New Town Boulevard Reconstruction Project in an Amount Not to Exceed \$317,411.00 (*Sponsor: Michael Klinghammer*)

Bill 9578

An Ordinance Authorizing Amendment No. 3 to the Police Services Agreement with the Saint Charles R-VI School District for Two (2) School Resource Officers (*Sponsor: Bob Kneemiller*)

Bill 9579

An Ordinance Authorizing an Amendment to the Home Investment Partnership Subrecipient Agreement By and Between the City of St. Charles and St. Louis County to Receive Additional Funding for Providing Lead Hazard Control and Abatement Services

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 5, 2008

to Residents of the City of St. Charles with Low to Moderate Income for a Period Beginning February 8, 2008 through August 28, 2008 (*Sponsor: Bob Kneemiller*)

Bill 9580

An Ordinance Authorizing a Contract with B & D Pavement Maintenance for the Crackseal Project 2008 in an Amount Not to Exceed \$200,000.00 (*Sponsor: Bob Kneemiller*)

Bill 9581

An Ordinance of the City of Saint Charles, Missouri, Calling an Election Upon Whether the City of St. Charles Shall Establish a Theater, Cultural Arts, and Entertainment District for the New Town at St. Charles II to be known as the New Town at St. Charles II Theater, Cultural Arts, and Entertainment District; Calling an Election Upon Whether Sales Tax of One-half of One Percent (0.5%) Shall be Imposed on all Retail Sales in the District; and the Certification of the Questions of Establishment of a Theater, Cultural Arts, and Entertainment District for The New Town at St. Charles II Theater, Cultural Arts, and Entertainment District and Imposition of a Sales Tax on all Retail Sales in the District to the City Clerk (*Sponsor: Michael Klinghammer*)

Bill 9582

An Ordinance Repealing Ordinance No. 07-303 and Enacting a New Ordinance Providing for the Compensation for Officers and Employees of the City by Amending Position Classifications in the Exempt Positions Series, Non-Exempt Positions Series and the Department Director Positions Series (*Sponsor: Bob Kneemiller*)

CONSENT AGENDA

A motion was made by LAURIE FELDMAN to receive and approve the Consent Agenda. MICHAEL KLINGHAMMER seconded the motion. A roll call vote was taken, with the following results: "Aye": Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit. "Nay": None. Absent: None. Motion passed.

A. Approval of Council Minutes

1. Special Council Meeting of January 15, 2008
2. Regular Council Meeting of January 22, 2008

B. Receipt and/or Approval of Council Committee Reports

1. Liquor License Ordinance Meeting of January 14, 2008
2. Council Work Session of January 15, 2008

File #4724

File #4725

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 5, 2008

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- C. Receipt of Reports from Boards, Commissions or Committees
1. Wellness Commission Meeting of December 13, 2007
 - a. Motion to Pursue City-Wide Smoking Ban with the City Council
- File #46530
2. Youth Advisory Commission Meeting of December 13, 2007
- File #46726
3. St. Charles Senior Citizen Advisory Commission Meeting of December 18, 2007
- File #46531
4. St. Charles Senior Citizen Advisory Commission Meeting of November 20, 2007
 - a. Motion to Invite Randy Charles, Superintendent of the St. Charles School District, to Speak at the January 2008 Meeting
- File #46531
5. Planning and Zoning Commission Meeting of December 17, 2007
- File #46474
6. Traffic Commission Meeting of January 22, 2008
- File #46727
- D. Receipt of Reports of the Director of Administration
1. Street Status Report December 2007
- File #46613
- E. Approval of Contracts and Easements from \$30,000 - \$99,999
1. Contract with Gerstner Electric, Inc. for a Streetlight Maintenance Renewal Contract for 2008 in an Amount not to Exceed \$40,000
- File #46728
- F. Preliminary Plats
- None
- G. Miscellaneous
- None

REPORT OF THE MAYOR

Budget Amendment No. 1 (Council Bill 9571)

The Honorable Mayor Patricia M. York explained the items included in Budget Amendment No. 1.

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 5, 2008

Appointments to Boards and Commissions

A motion was made by LARRY MUENCH to approve the following appointments to Boards and Commissions as presented by the Honorable Mayor Patricia M. York:

Beautification Commission: Appointment of Anita Smith to fill the unexpired term of Mary Kay Venvertloh ending October, 2008

New Town at St. Charles Theater, Cultural Arts and Entertainment District (Subdistrict 2): In accordance with section 67.2525 of the Missouri Statutes, the Mayor shall, with the consent of the governing body appoint a registered voter residing in the subdistrict to the NTCAED board of directors. I have been requested by Greg Whittaker, to appoint Jeanne L. Dinzebach to serve on the NTCAED Board, replacing Trevor Acorn who has resigned.

RICHARD VEIT seconded the motion. A roll call vote was taken, with the following results: "Aye": Beckering, Ermeling, Klinghammer, Kneemiller, Muench, Stivison, and Veit. "Nay": None. Absent: Feldman, Reese, and Weller Motion passed.
File #46729

Announcement of St. Charles Being Selected as a Host City for the 2008 Tour of Missouri, the Elite, Point-to-Point Cycling Stage Race to be Held September 8-14, 2008.

The Honorable Mayor Patricia M. York announced that St. Charles has been selected as a Host City for the 2008 Tour of Missouri; and that the point-to-point cycling stage race will be held from September 8-14, 2008.

Written and/or Verbal Messages from the Mayor

President of SSM Health Center. The Honorable Mayor Patricia M. York announced that Gaspare Calvaruso has been named as the new President of SSM Health Center.

Boone Center Boy Scouts Winter Rendezvous. The Honorable Mayor Patricia M. York announced that the Boone Center Boy Scout Winter Rendezvous will be held in Frontier Park on February 16, 2008.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Update on Elm Street Reconstruction Project

Councilmember Michael Klinghammer gave an update on the Elm Street Reconstruction Project.
File #46730

Request for Authorization to Provide Funding for Local High Schools to be Used for 2008 Graduation Parties

A motion was made by JERRY REESE to approve the allocation of \$250.00 to St. Charles High School, St. Charles West High School, Duchesne High School, Orchard Farm High School, and

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 5, 2008

Francis Howell North Howell School for their 2008 graduation parties. MICHAEL KLINGHAMMER seconded the motion. All voted in favor motion passed.

Discussion Relative to Implementation of a City-Wide Operations Manual

President of the Council Bob Kneemiller suggested that the City implement a City-Wide Operations Manual. Discussion ensued regarding the manual; and further discussion was referred to the Council Work Session scheduled for February 12, 2008. Councilmember Laurie Feldman suggested that other cities be contacted to obtain copies of their Operations Manuals.

Exception of HVAC System at City Hall from Requirements of Section 40.25

A motion was made by BOB KNEEMILLER to except the HVAC System at City Hall from the provisions of Section 40.25(B), upon approval of Council Bill 9570. MICHAEL WELLER seconded the motion. All voted in favor, motion passed.

Update on the Issuance of Credit Cards to Department Directors

The Honorable Mayor Patricia M. York responded to an inquiry of President of the Council Bob Kneemiller that the issuance of credit cards to department directors was delayed pending the establishing of a Credit Card Policy; and that she will be forwarding the draft policy to the department directors for input. Mayor York stated that the process of issuing the credit cards was commenced yesterday. A motion was made by MICHAEL WELLER that, subsequent to the department director's review, the Credit Card Policy be brought forward as an ordinance to be integrated into the current procurement procedures ordinance in order to empower department directors to have the ability to purchase needed items in a timely manner. LAURIE FELDMAN seconded the motion. All voted in favor, motion passed.

Discussion Relative to the Board of Public Works

Vice President of the Council Jerry Reese requested that the agendas and the minutes of the Board of Public Works be emailed to the Councilmembers. Councilmember Michael Klinghammer requested that discussion of re-establishing the Council Street Committee be placed on the agenda for the Council Work Session scheduled for February 12, 2008. As an alternative to establishment of a Council Street Committee, Councilmember Laurie Feldman suggested scheduling a quarterly meeting of the entire Council to review Road Projects.

Update on Sound Problems in the Council Chambers During Council Meetings

President of the Council Bob Kneemiller stated that a report was distributed from Director of Administration Michael Spurgeon identifying the Council Chamber Audio Issues; along with proposed solutions and recommendations.
File #46730A

Discussion Regarding Purchasing Procedures

President of the Council Bob Kneemiller requested that this item be referred to the Council Work Session scheduled for February 12, 2008; and that the following items be included in the information distributed for the Council Work Session:

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 5, 2008

- Step-by-step process used by the City Clerk's Office in the recent purchase of furniture and storage
- Information relative to the recent purchase of a part needed for the sound system in the Council Chambers
- Definition of an emergency purchase
- Information relative to the recent request for an emergency purchase of a water department computer

Councilmember Michael Weller requested that the following items be included in the information distributed for the Council Work Session:

- A one-page report from each department director relative to their perception of the current purchasing process; and recommendations for improvement/streamlining of the process.
- Copy of the current procurement process

Written and/or Verbal Messages from the Councilmembers

Snow Removal: Vice President of the Council Jerry Reese complimented the Street Division for the excellent job on the recent snow removal; and reminded residents to park in their driveways when snow is predicted in order to allow the City to plow the streets efficiently. President of the Council Bob Kneemiller stated that he has requested that a Snow Removal Update be placed on the Council Work Session Agenda for February 12, 2008. Councilmember Michael Weller thanked the Public Works Department and the City's Contractor, Thoele, for the great job on the recent snow removal.

St. Charles West Coach: Vice President of the Council Jerry Reese congratulated St. Charles West Basketball Coach Terry Hollander for his 500th victory last night.

Ward 3 Neighborhood Association Meeting. Councilmember Laurie Feldman announced that a meeting of the Presidents of the Ward 3 Neighborhood Associations will be held on February 6, 2008, in Conference Room A, City Hall, at 6:30 p.m.

Strategic Plan: Director of Administration Michael Spurgeon responded to an inquiry of Councilmember Laurie Feldman that the process will commence by late March 2008.

CLOSED SESSION

A roll call vote was taken to adjourn into Closed Session relative to legal actions, causes of action, or litigation (RSMo 610.021.1); with the following results: "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Weller. "Nay": Beckering. Absent: None. Motion passed.

The Open Portion of the Regular Council Meeting was adjourned at 8:50 p.m.

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 5, 2008

February 19, 2008
Date Approved

Mait M. Cox
City Clerk

Bob Kneemiller
Bob Kneemiller, Presiding Officer